

UNITED STATES OF AMERICA,)
)
v.)
)
ARTIS LA MONTE CLAY,)
)
Defendant.)

At the hearing, defense counsel and counsel for the Government agreed that the guideline range for Defendant's supervised release violation was six (6) to nine (9) months incarceration and that Defendant has currently served eight (8) months in various detention facilities. Additionally, the Government represented to the Court that they will be asking for time served at Defendant's

supervised release revocation hearing which is scheduled for April 9, 2010 before Judge Reidinger.

Defense counsel represented to the Court that Defendant's sister is willing to help Defendant and pick him up from the jail if he is released by the Court. Defendant represented to the Court that he has owned his own home for more than ten years and will reside at his home if released.

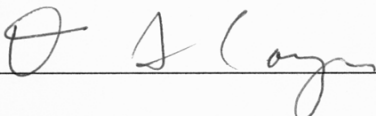
Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure states, "[t]he magistrate judge may release or detain the person under 18 U.S.C. §3143(a) pending further proceedings. The burden of establishing that the person will not flee or pose a danger to any other person or to the community rests with the person." Fed. R. Crim. P. 32.1(a)(6). Therefore, the burden rests with Defendant to prove that he will not flee, pose a danger to any other person or to the community in order for the Court to consider conditions of release.

The Court finds that Defendant has established that he is not a significant flight risk and that he does not pose a significant danger to any other person or to the community. Therefore, the Court has entered a separate release order releasing Defendant on an unsecured \$25,000 bond with conditions including home detention.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Martin Reidinger.

SO ORDERED.

Signed: March 22, 2010



David S. Cayer
United States Magistrate Judge

